AS AMENDED

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 82-28 (AS AMENDED)

West of the state
Council President Hardwicke at the request of the Introduced by County Executive and Council Member Spry
Introduced by County Executive and Council Member Spry Legislative Day No. 82-10 Date April 6, 1982 AN EMERGENCY ACT to repeal and re-enact with amendments Section 9-1, heading, Definitions, of Article I, heading, In General, of Chapter 9 heading, Environmental Controls, of the Harford County Code, as amended, to provide the definition of certain terms to be used in Chapter 9; to repeal and re-enact with amendments Subsection (a), heading, Generally, of Section 9-2, heading, Refuse and Liquid Waste Collection License, of Article I, heading, In General, of Chapter 9, heading, Environmental Controls, of the Harford County Code, as amended, to provide that the Director of the Department of Public Works be designated to license any person who regularly engages in the collection or transportation of solid waste in Harford County and Subsection (b) of Section 9-2, heading, Applications, to provide for mailing of inspection forms by the Department of Public Works and Subsection (f) of Section 9-2, heading, Performance Bond, to provide for consistent defined terminology; to add a new subsection (h) of Section 9-2, heading, Exemptions, to provide for exempting residential refuse generators from licensing requirements; to add new Subsection (i) (1) and (2), heading, Determination of Refuse Types, to Section 9-6, heading, Collection and Transportation of Trash and Refuse, of Article I, heading, In General, of
Chapter 9, heading, Environmental Controls, of the Harford County Code, as amended, to provide that residential and non-residential waste not be collected in the same vehicle without By the Council, April 6, 1982
Introduced, read first time, ordered posted and public hearing scheduled
on: May 4, 1982
at: 6:30 P.M.
By Order: Angle Marlacaski, Secretary
PUBLIC HEARING
Having been posted and notice of time and place
of hearing and title of Bill having been published according to the
Charter, a public hearing was held onMay 4, 1982
and concluded onMay 18, 1982
Angelo Markocoski, Secretary
NATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

XPLA [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

prior approval of the Director of Public Works and that waste generated within Harford County and from without Harford County not be collected in the same vehicle without prior approval of the Director of Public Works; to repeal and re-enact with amendments Section 9-1 \emptyset , heading, Enforcement Generally, of Article I, heading, In General, of Chapter 9, heading, Environmental Controls, of the Harford County Code, as amended; to provide for expansion of enforcement section applicability and to provide for personnel service; to repeal and re-enact with amendments Section 9-11, heading, Civil Enforcement, of Article I, heading, In General, of Chapter 9, heading, Environmental Controls, of the Harford County Code, as amended; to-provide-that-failure-to-comply-with-rules-and regulations-of-the-Director-of-the-Department-of-Public-Works-in connection-with-the-collection-or-transportation-of-solid-waste-in Harford-County-may-result-in-license-revocation,-or-suspension-or performance-bond-forfeiture; to repeal and re-enact with amendments Section 9-14, heading, Additional Regulations, of Article I, heading, In General, of Chapter 9, heading, Environmental Controls of the Harford County Code, as amended; to provide that regulations authorized to be promulgated pursuant to Section 9-14 may include rules and regulations with respect to the definitions of the types of waste set forth in Section 9-1, the licensing provisions of Section 9-2; and-the-license-revocation-and-suspension-provisions-of-Section-9-11; to repeal and re-enact with amendments Section 9-18, heading, Solid Waste Disposal Fees, of Article II, heading, Waste Disposal Sites Generally, of Chapter 9, heading, Environmental Controls to the Harford County Code as amended; to provide for solid waste disposal fees, residential refuse disposal taxes, and surcharges, and to provide a mechanism whereby the collection of the charges can be effected uniformly among the various classes of users; to enact a new Article III, heading, Authorized Collection of Solid Waste; -Service-Charges,

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of Chapter 9, heading, Environmental Controls, of the Harford County Code, as amended, to enact a new Section 9-20, heading, Authorized Collection of Solid Waste, of Article III, heading Authorized Collection of Solid Waste; -Service-Charges, of Chapter 9, heading, Environmental Controls, to provide that no person except duly authorized collectors of the County and incorporated municipalities within the County or licensed private waste collectors shall collect solid waste within the County, to provide that all licenses granted to private solid waste collectors and all contracts of duly authorized collectors shall require that all solid waste collected in the County or collected outside the County and transported into the County for disposal in the County be disposed of at such disposal facility as may be designated from time to time by the Director of the Department of Public Works, to provide that the Director of the Department of Public Works may promulgate regulations in connection with said Article III, to provide that voluntary source separation of recyclable materials is permissible subject to rules and regulations.

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Section 1. BE IT ENACTED BY THE COUNTY COUNCIL OF HARFORD COUNTY, that, it is hereby found and determined, that DECLARATION OF POLICY

1. FOR THE BENEFIT OF THE RESIDENTS OF HARFORD COUNTY AND THE INCREASE OF THEIR COMMERCE, WELFARE AND PROSPERITY AND THE

- THE INCREASE OF THEIR COMMERCE, WELFARE AND PROSPERITY AND THE IMPROVEMENT OF THEIR HEALTH AND LIVING CONDITIONS, IT IS ESSENTIAL THAT PROVISION BE MADE FOR THE DIRECTION AND CONTROL BY HARFORD COUNTY OF WASTE IN HARFORD COUNTY. THE COUNTY'S ABILITY TO DIRECT AND CONTROL WASTE IN HARFORD COUNTY WILL ASSIST THE COUNTY IN PROVIDING WASTE DISPOSAL FACILITIES, INCLUDING RESOURCE RECOVERY FACILITIES, AND WILL ENHANCE THE COUNTY'S ABILITY TO PARTICIPATE IN THE FINANCING AND OPERATION OF SUCH FACILITIES WITH OTHER POLITICAL SUBDIVISIONS OR GOVERNMENTAL ENTITIES, PRIVATE PERSONS, CORPORATIONS OR PARTNERSHIPS, INCLUDING (WITHOUT LIMITATION) FACILITIES FINANCED OR OPERATED BY OR WITH THE NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY PURSUANT TO SECTIONS 3-901 to 3-929 OF THE NATURAL RESOURCES ARTICLE OF THE ANNOTATED CODE OF MARYLAND (1974 VOLUME AND 1981 CUMULATIVE SUPPLEMENT), AS THE SAME SHALL BE AMENDED FROM TIME TO TIME, ALL FOR THE PURPOSE OF OFFERING TO THE PEOPLE OF HARFORD COUNTY THE BENEFITS TO BE DERIVED FROM THE EFFICIENT, LARGE-SCALE PROCESSING OF WASTE. MOREOVER, SUCH ABILITY TO DIRECT AND CONTROL WASTE ENHANCES THE ABILITY OF THE COUNTY TO PROVIDE ITS CITIZENS WITH A CLEAN AND HEALTHY ENVIRONMENT.
- 2. THE POWERS AND DUTIES ENUMERATED IN THIS ACT CONSTITUTE
 PROPER COUNTY PURPOSES FOR THE BENEFIT AND WELFARE OF THE
 INHABITANTS OF THE COUNTY AND IT IS HEREBY FOUND AND DECLARED THAT,
 IN THE EXERCISE OF CONTROL OVER THE COLLECTION, TRANSPORATION AND
 DISPOSAL OF SOLID WASTE, THE COUNTY IS EXERCISING ESSENTIAL AND
 PROPER GOVERNMENTAL FUNCTIONS. IT IS FURTHER FOUND AND DECLARED
 THAT DELEGATION TO THE DIRECTOR OF PUBLIC WORKS OF THE POWER TO
 DESIGNATE FROM TIME TO TIME THE USE OF CERTAIN COUNTY FACILITIES IS
 FOR THE BENEFIT, HEALTH, AND WELFARE OF THE INHABITANTS OF HARFORD

COUNTY IN THAT INEFFICIENT AND IMPROPER METHODS OF MANAGING SOLID WASTES CREATE HAZARDS TO THE PUBLIC HEALTH, CAUSE POLLUTION OF AIR AND WATER RESOURCES, CONSTITUTE A WASTE OF NATURAL RESOURCES, ADVERSELY AFFECT LAND VALUES, AND CREATE PUBLIC NUISANCES.

Section 2. BE IT FURTHER ENACTED, that Section 9-1, heading, Definitions, of Chapter 9, heading, Environmental Controls, of the Harford County Code, as amended, be, and it is hereby repealed and re-enacted with amendments, to read as follows:

SECTION 9-1. Definitions.

For the purpose of this CHAPTER [article], the following words and phrases shall have the meanings respectively ascribed to them by this section:

Commercial refuse. The refuse AND OTHER WASTE MATERIALS from wholesale and retail stores, restaurants, florists, beauty shops, barber shops, variety stores, motels, hotels and other commercial enterprises.

DISPOSAL FACILITY. A FACILITY FOR THE INTERMEDIATE OR FINAL DISPOSITION OF SOLID WASTE.

DWELLING. A UNIT OF SINGLE-FAMILY OR MUTLI-FAMILY
RESIDENTIAL HOUSING, INCLUDING (WITHOUT LIMITATION) APARTMENTS,
COOPERATIVES AND CONDOMINIUMS, WHETHER PRIVATELY OR PUBLICLY OWNED,
LOCATED IN HARFORD COUNTY, INCLUDING IN ANY INCORPORATED
MUNICIPALITIES WITHIN HARFORD COUNTY, OR IN ANY REFUSE COLLECTION
ZONES WITHIN HARFORD COUNTY.

Emergency. A sudden, unexpected and unforeseen condition of such public gravity as to require immediate action to carry out the purposes of this article CHAPTER.

Garbage. The animal and vegetable wastes resulting from the handling preparation, cooking and consumption of foods, exclusive of recognized industries, and human and animal feces.

Hazardous and special waste. Hazardous solid and liquid wastes such as, but not limited to, highly flammable materials,

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explosives, pathological waste, poisons, infectious waste from hospitals and doctors' offices and radioactive materials.

Incinerator. Any [approved] equipment, device or contrivance used for the destruction of garbage, rubbish or other wastes by burning [at approximately 1,200 F].

Industrial refuse. THE REFUSE AND OTHER waste materials from factories, processing plants and other manufacturing enterprises, including putrescible garbage from food processing plants and slaughterhouses, condemned foods, waste wood materials and all other refuse from manufacturing AND INDUSTRIAL processes.

Insect and rodent control. Those measures that are necessary to prevent insect and rodent infestations, harborage, feeding or breeding sites, or to eliminate established insect and rodent infestations, harborage, feeding or breeding sites in any area of the county.

Insects. Those insects that are considered to be of public health significance in this area, such as ticks, fleas, body lice, roaches, mites and flies.

Land clearing debris. All materials generated during the clearing of land for homesites, commercial buildings, recreational facilities, road building or any other purpose.

Liquid wastes. All waste liquids generated through the use of domestic or municipal facilities, including any industrial or commercial liquids that may not be classified hazardous or listed within special waste categories.

Odors. Those properties of an emission which stimulate the sense of smell.

Offal. The waste animal matter from butcher and slaughter or packing houses.

Open dump. Any land publicly or private owned, other than an approved sanitary landfill, in which there is a deposit

 or an accumulation, either temporary or permanent, of any kind of organic or inorganic refuse.

Open fire. A fire where any material is burned in the open or in a receptacle other than a furnace incinerator or other equipment designed and approved for the destruction of specific materials.

Refuse collection. The removal and coveyance of refuse from temporary storage points to disposal sites by municipalities, contractors and others.

Refuse disposal. The method of final disposition of refuse.

Refuse storage. The temporary storage of refuse, all of which is produced on the premises where the refuse is stored, by [households] DWELLINGS and commercial AND INDUSTRIAL establishments.

RESIDENTIAL-REFUSE:--THE-REFUSE-AND-OTHER-WASTE-MATERIALS
FROM-ANY-DWELLING-UNITS-EXCLUSIVE-OF-RUBBLE;-BULKY-ITEMS;-SUCH-AS
APPLIANCES-AND-FURNITURE;-AND-LAND-CLEARING-DEBRIS;

RESIDENTIAL REFUSE. THE REFUSE AND OTHER WASTE MATERIALS FROM

ANY DWELLING, INCLUDING YARD WASTE, HOUSEHOLD APPLIANCES, AND HOUSEHOLD FURNISHINGS, BUT EXCLUDING RUBBLE, STUMPS, AND LAND-CLEARING
DEBRIS.

RESOURCE RECOVERY FACILITY. A FACILITY WHICH RECEIVES AND PROCESSES SOLID WASTE AND RECOVERS EITHER ENERGY OR SALABLE BY-PRODUCTS OR BOTH.

RUBBLE. STRUCTURAL CONSTRUCTION WASTE MATERIALS OR
MATERIALS GENERATED BY BUILDING DEMOLITION, INCLUDING, BUT NOT
LIMITED TO, ROCKS, CONCRETE, ASPHALT, BRICK, LUMBER, PLASTER,
PLASTERBOARD, ASBESTOS, SIDING, ROOFING, AND METAL.

Sanitary Landfill. A planned and systematic method of refuse disposal whereby the waste material is placed in the ground

 in layers, compacted and covered with earth at the end of each day's operation.

Solid waste. ALL REFUSE AND OTHER waste materials, combustible or noncombustible, WHETHER SOLID, LIQUID OR GAS, from all public and private SOURCES [establishments and residences], including, BUT NOT LIMITED TO, trash, garbage, rubbish, RESIDENTIAL REFUSE, industrial refuse and commercial refuse, but excluding body excrements.

SOLID WASTE MANAGEMENT PLAN. THE COMPREHENSIVE PLAN FOR HARFORD COUNTY, IN EFFECT AND AS AMENDED FROM TIME TO TIME, WHICH MEETS THE REQUIREMENTS OF THE CODE OF MARYLAND REGULATIONS (COMAR) TITLE 10, SUBTITLE 17.

TRASH. All [solid] waste MATERIALS, other than garbage and offal from stores, institutions, markets and other establishments, further classified as combustible [mostly paper, wood, and cloth] and noncombustible [metals, glass, crockery].

Section 3. BE IT FURTHER ENACTED that Subsection (a), heading, Generally, and Subsection (b), heading, Applications, and Subsection (f), heading, Performance Bond, all of Section 9-2, heading, Refuse and Liquid Waste Collection License, of Chapter 9, heading, Environmental Controls, of the Harford County Code, as amended, be, and it is hereby repealed and re-enacted with amendments, to read as follows:

Section 9-2. [Refuse] SOLID and liquid waste [collection] license;

PERFORMANCE BOND.

(a) Generally. Any person PERSONS, INCLUDING BUT NOT

LIMITED TO, DULY AUTHORIZED COLLECTORS OF THE COUNTY

OR INCORPORATEDMUNICIPALITIES WITHIN THE COUNTY OR

PRIVATE SOLID WASTE COLLECTORS WHO ARE REGULARLY ENGAGED

in the collection IN HARFORD COUNTY OR THE TRANSPORTATION

IN HARFORD COUNTY FOR DISPOSAL IN HARFORD COUNTY [and

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disposal] of [refuse] SOLID or liquid waste [for compensation] shall be licensed IN HARFORD COUNTY [by the County Department of Inspection, Licenses and Permits, Division of Permits and Licenses]. applicant for a [collection] license shall submit information on the number, type, make, year and capacity in cubic yards and tonnage or tank capacity of vehicles proposed to be employed in collection OR TRANSPORTATION service. A separate application [will] SHALL be submitted for each vehicle. There shall be an annual inspection of the collection AND TRANSPORTATION equipment, jointly performed by a representative of the Director of Public Works and the County Department of Health. Each application shall be jointly approved prior to issuance of any license for operation. In addition thereto, routine inspection of collection AND TRANSPORTATION equipment may be made by representatives of the County Department of Health or Department of Public Works.

- (b) Applications. Forms for the above required inspection

 LICENSE will be mailed annually by the County Department of PUBLIC WORKS [health] to each person or firm prior to [November 15.] FEBRUARY 15.
- (c) License term. License issued under subsection (a) of this section shall be valid for-one-year-and-must-be renewed-one-year-from-the-date-of-issuance: THROUGH

 THE FOLLOWING APRIL 1. All persons shall be required to purchase a new license for each vehicle no later than APRIL 1 [January 31], annually.
- (d) Fees. License fees shall be as established by the county council and promulgated in a county fee schedule.

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- (e) Identification of vehicles. Each-collection-vehicle

 COLLECTION VEHICLES AND EQUIPMENT shall be identified with the name of the person, firm or corporation printed on each door. This printing shall be legible at a distance of one hundred feet and be proportioned in letters of not less than two and one-half inches in height.
- Performance bond. Any person engaged in SOLID WASTE (f) [refuse] collection OR TRANSPORTATION [and disposal] or liquid waste collection, [and] TRANSPORTATION OR disposal for compensation shall post a performance bond in an amount of not less than two thousand dollars per vehicle, such bond to be written to and delivered to the County Department of Inspections, Licenses-and-Permits,-Division-of-Permits-and Licenses, PUBLIC WORKS prior to issuance of any license for operation. [In the event that the bond is forfeited for nonperformance, the Director of Public Works shall require the collector to show cause at a hearing why his license should not be revoked. The collector shall have the opportunity to confront witnesses against him and to present evidence on his own behalf and may be represented by an attorney. The collector shall have the right to appeal the decision of the Director of Public Works to the County Council or its designated appeals board.] Such bond must remain in
- (g) License display. Each vehicle issued a county license pursuant to this section shall display such license number in a clearly visible place. The license plates shall be bolted to the vehicle in a manner similar to state vehicle tags. (Bill No. 75-39, Paragraph 1.)

force during all periods of licensed operation.

(h) EXEMPTIONS. RESIDENTIAL REFUSE GENERATORS WHO HAUL ONLY THEIR OWN SOLID WASTE SHALL BE EXEMPT FROM THE LICENSING PROVISIONS OF THIS SECTION.

Section 4. BE IT FURTHER ENACTED that a new Subsection

(i)(1) and (2), heading, Determination of Refuse SOLID WASTE Types, of Section 9-6, heading, Collection and Transportation of Trash and-Refuse, SOLID WASTE, of Article I, heading, In General, of Chapter 9, heading, Environmental Controls, of the Harford County Code, as amended, be, and it is hereby added to read as follows:

Section 9-6. Collection and Transportation of Trash-and-Refuse.

SOLID WASTE.

- (i) DETERMINATION OF REFUSE TYPES.
- (1)--TO-AID-IN-THE-DETERMINATION-OF-QUANTITIES-OF

 RESIDENTIAL-AND-NONRESIDENTIAL-TRASH-OR-REFUSE;

 PRIVATE-AND-PUBLIC-COLLECTORS-OF-TRASH-OR-REFUSE

 ARE-REQUIRED-TO-IDENTIFY-TO-THE-DIRECTOR-OF

 PUBLIC-WORKS-THAT-PORTION-OF-NONRESIDENTIAL-TRASH

 OR-REFUSE-COLLECTED-ON-A-RESIDENTIAL-COLLECTION

 ROUTE;-OR-THAT-PORTION-OF-RESIDENTIAL-COLLECTION

 ROUTE;--RESIDENTIAL-AND-NONRESIDENTIAL-TRASH-OR

 REFUSE-ARE-NOT-TO-BE-COLLECTED-IN-THE-SAME

 VEHICLE-FOR-DISPOSAL-IN-ANY-SANITARY-LANDFILL-OR

 RESOURCE-RECOVERY-FACILITY-OPERATED-BY-OR-UNDER
 CONTRACT-FOR-OR-ON-BEHALF-OF-THE-COUNTY-WITHOUT

 PRIOR-APPROVAL-OF-THE-DIRECTOR-OF-PUBLIC-WORKS;
- +2)--TO-AID-IN-THE-DETERMINATION-OF-QUANTITIES-OFSOLID-WASTE-GENERATED-WITHIN-HARFORD-COUNTY-AND
 FROM-OUTSIDE-OF-HARFORD-COUNTY-PRIVATE-ANDPUBLIC-COLLECTORS-OF-TRASH-FOR-REFUSE-ARE
 REQUIRED-TO-IDENTIFY-TO-THE-DIRECTOR-OF-PUBLIC

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WORKS-THAT-PORTION-OF-TRASH-OR-REFUSE-GENERATED OUTSIDE-OF-HARFORD-COUNTY-TO-BE-DISPOSED-OF-IN-ANY-SANITARY-LANDFILL-OR-RESOURCE-RECOVERY FACILITY-OPERATED-BY-OR-UNDER-CONTRACT-FOR-OR-ON BEHALF-OF-THE-COUNTY---SUCH-OUT-OF-COUNTY-TRASH OR-REFUSE-SHALL-NOT-BE-ACCEPTED-AT-ANY-SUCH FACILITY-WITHOUT-PRIOR-APPROVAL-OF-THE-BIRECTOR OF-PUBLIC-WORKS.

- (1) TO AID IN THE DETERMINATION OF QUANTITIES OF RESIDENTIAL AND NONRESIDENTIAL SOLID WASTE, PRIVATE AND PUBLIC COLLECTORS OF SOLID WASTE SHALL IDENTIFY TO THE DIRECTOR OF PUBLIC WORKS THAT PORTION OF NONRESIDENTIAL SOLID WASTE COLLECTED ON A RESIDENTIAL COLLECTION ROUTE, OR THAT PORTION OF RESIDENTIAL SOLID WASTE COLLECTED ON A NONRESIDENTIAL COLLECTION ROUTE. RESIDENTIAL AND NONRESIDENTIAL SOLID WASTE SHALL NOT BE COLLECTED IN THE SAME VEHICLE FOR DISPOSAL IN ANY DISPOSAL FACILITY OR RESOURCE RECOVERY FACILITY OPERATED BY OR UNDER CONTRACT FOR OR ON BEHALF OF THE COUNTY WITHOUT PRIOR APPROVAL OF THE DIRECTOR OF PUBLIC WORKS.
- (2) TO AID IN THE DETERMINATION OF QUANTITIES OF SOLID WASTE GENERATED WITHIN HARFORD COUNTY, PRIVATE AND PUBLIC COLLECTORS OF SOLID WASTE SHALL IDENTIFY TO THE DIRECTOR OF PUBLIC WORKS THAT PORTION OF SOLID WASTE GENERATED OUTSIDE OF HARFORD COUNTY TO BE DISPOSED OF IN ANY DISPOSAL FACILITY OR RESOURCE RECOVERY FACILITY OPERATED BY OR UNDER CONTRACT FOR OR ON BEHALF OF THE COUNTY. SUCH OUT-OF-COUNTY SOLID WASTE SHALL NOT BE ACCEPTED AT ANY SUCH FACILITY WITHOUT APPROVAL OF THE DIRECTOR OF PUBLIC WORKS.

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Section 5. BE IT FURTHER ENACTED, that Subsection (a), heading, Violation Notice, of Section 9-10, heading, Enforcement Generally, of Chapter 9, heading, Environmental Controls, of the Harford County Code, as amended, be, and it is hereby repealed and re-enacted with amendments, to read as follows: Section 9-10. Enforcement generally.

(a) Violation notice. Any person charged with a violation of any provision of this CHAPTER [article] shall be issued a notice of violation. This notice may be issued by designated representatives of the County Executive, Director of Public Works, Department of Health or any law enforcement agency. It may be issued BY PERSONAL SERVICE OR by posting on the premises [or] AND by mailing a copy by registered mail to the last known address of the person in whose name the property is assessed for taxation. This notice shall advise the violator of the nature of the violation and shall order the corrective actions required and specify the time limit within which the corrections shall be made. The time limit shall be based upon the urgency necessitated by the nature of the violation and the immediacy of the threat to the health, safety and welfare of the citizens of the County.

Section 6. BE IT FURTHER ENACTED, that Section 9-11, heading, Civil Enforcement, of Chapter 9, heading, Environmental Controls, of the Harford County Code, as amended, be, and it is hereby repealed and re-enacted with amendments, to read as follows: Section 9-11. Civil enforcement; REVOCATION; SUSPENSION; FORFEITURE.

INJUNCTIVE RELIEF. Injunctive relief shall be (a) available in the event that an action for damages

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31 32 pursuant to this CHAPTER [article] would afford inadequate relief.

- (b) DAMAGES. An action may be brought by the County for damages, including punitive damages, against any violator of any provision of this CHAPTER [article].
- (e)--REVOCATION;-SUSPENSION-OF-LICENSE;-FORFEITURE-OF-BOND: FAILURE-TO-COMPLY-WITH-RULES-AND-REGULATIONS-OF-THE COUNTY-MAY-BE-GROUNDS-FOR-REVOCATION-OR-SUSPENSION-OF THE-SOLID-AND-LIQUID-WASTE-LICENSE-OR-FORFEITURE-OF PERFORMANCE-BOND: --WHENEVER-THE-DIRECTOR-OF-PUBLIC-WORKS-HAS-REASONABLE-GROUNDS-TO-BELIEVE-THAT-A LICENSEE-HAS-VIOLATED-THE-RULES-AND-REGULATIONS-OR LAWS-OF-HARFORD-COUNTY,-HE-MAY-CONDUCT-A-HEARING-AND TAKE-TESTIMONY-CONCERNING-THE-ALLEGED-VIOLATIONS.---UPON FINDING-THE-LICENSEE-OR-AGENTS-AND-EMPLOYEES-OF-THE LICENSEE-IN-VIOLATION-OF-THE-RULES-AND-REGULATIONS-OR LAWS-OF-HARFORD-COUNTY,-THE-DIRECTOR-MAY-REQUIRE-FORFEITURE-OF-PERFORMANCE-BOND,-OR-SUSPEND-OR-REVOKE THE-LICENSE---ALL-PARTIES-IN-THE-HEARING-HAVE-THE RIGHT-TO-CROSS-EXAMINE-WITNESSES-AND-TO-SUBPOENA WITNESSES---THE-LICENSEE-MAY-PRESENT-EVIDENCE-AND-MAY BE-REPRESENTED-BY-AN-ATTORNEY:--ALL-TESTIMONY-SHALL-BE SWORN-AND-TRANSCRIBED-AND-CERTIFIED-BY-A-NOTARY PUBLIC:--THE-LICENSEE-MAY-APPEAL-THE-DECISION-OF-THE DIRECTOR-TO-THE-DESIGNATED-APPEALS-BOARD-FOR-THE COUNTY-COUNCIL:--ANY-APPEAL-TO-THE-DECISION-OF-THE DIRECTOR-SHALL-BE-LIMITED-TO-THE-FACTS-PRESENTED-IN DIRECTOR'S-HEARING-

Section 7. BE IT FURTHER ENACTED that Section 9-14, heading, Additional Regulations, of Chapter 9, heading,

Environmental Controls, of the Harford County Code, as amended, be,

2 and it is hereby repealed and re-enacted with amendments, to read 3 as follows:

Section 9-14. Additional regulations. Under the provisions of this CHAPTER [article], authority is delegated to the Director of Public Works AND THE COUNTY HEALTH OFFICER [and the County Health Officer, cooperating jointly,] to promulgate and publish any regulations necessary to carry out and promote the intent and purpose of this CHAPTER [article]; provided, that the regulations are subject to public hearing as required by Section 807 of the Charter_AND-ARE-DESIRABLE-TO-FURTHER-DEFINE,-ELABORATE-UPON-OR SET-FORTH-THE-TYPES-OF-WASTE-DESCRIBED-IN-SECTION-9-1,-THE LICENSING-PROVISIONS-OF-SECTION-9-2-AND-THE-LICENSE-REVOCATION AND-SUSPENSION-AND-THE-PERFORMANCE-BOND-FORFEITURE-PROVISIONS

Section 8. BE IT FURTHER ENACTED that Section 9-18, heading, Disposal Sites Generally, of Chapter 9, heading, Environmental Controls, of the Harford County Code, as amended, be, and it is hereby repealed and re-enacted with amendments, all to read as follows:

Chapter 9. Environmental Controls.

Article II. Waste Disposal Sites Generally.

[Section 9-18. Solid Waste Disposal Fees.

(a) Any solid waste, collected in Harford County for deposit in any solid waste facility or landfill operated by or under contract for Harford County and located within Harford County, shall be accepted by the County upon payment of a fee of ten dollars (\$10.00) per ton as determined by vehicle weight or vehicle type and capacity.

OF-SECTION-9-11.

- (b) Any solid waste, extracted outside the County or originating outside the County, for deposit in any solid waste facility or landfill operated by or for Harford County and located within Harford County, shall be accepted upon payment of a fee of eighteen dollars (\$18.00) per ton, as determined by vehicle weight or vehicle and capacity.
- (c) To facilitate the collection of the disposal fees authorized under this Article, the Director of Public Works is hereby authorized to request routing maps, clientele lists, days of collection, trust assignments, and other pertinent information from users of facilities operated by or for the County. Every user is required to supply this information upon request, regardless of the type of vehicle being used to haul the waste matter, and regardless of whether the collection is from private or commercial sources.
- (d) In accordance with Section 523 of the Charter, a special revenue fund shall be established by the Treasurer to control the revenues derived from the collection of disposal fees. The disposal fees shall be dedicated to the operation and maintenance of the Division of Solid Waste in the Department of Public Works, with the exception that one dollar (\$1.00) per ton exclusive of tire disposal fees shall be dedicated to the Department of Parks and Recreation, to be used for the development of completed County landfills for park and recreational use.
- (e) The Department of Public Works shall promulgate rules and regulations in order to implement the provisions of this section. Any additional fees shall be established by legislative act.]
- SECTION 9-18. SOLID WASTE DISPOSAL FEES; RESIDENTIAL REFUSE DISPOSAL TAX; SURCHARGES.
- (a) ANY SOLID WASTE, OTHER THAN RESIDENTIAL REFUSE,

 COLLECTED IN HARFORD COUNTY FOR DEPOSIT IN ANY SANITARY-LANDFILL

 DISPOSAL FACILITY OR RESOURCE RECOVERY FACILITY OPERATED BY OR

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UNDER CONTRACT FOR OR ON BEHALF OF HARFORD COUNTY AND LOCATED WITHIN HARFORD COUNTY, SHALL BE ACCEPTED BY THE COUNTY UPON PAYMENT OF A DISPOSAL FEE OF TEN DOLLARS (\$10.00) PER TON, AS DETERMINED BY VEHICLE WEIGHT OR VEHICLE TYPE AND CAPACITY, PROVIDED THAT SURCHARGES MAY BE IMPOSED ON CERTAIN CLASSES OF SOLID WASTE REQUIRING SPECIAL HANDLING IN ADDITION TO THE DISPOSAL FEE. SOLID WASTE GENERATED UPON ANY MILITARY RESERVATION LOCATED WITHIN HARFORD COUNTY SHALL BE SUBJECT TO THE PROVISIONS OF THIS SUBSECTION.

- (b) AN ANNUAL RESIDENTIAL REFUSE DISPOSAL TAX OF FIFTEEN DOLLARS (\$15.00) PER DWELLING UNIT SHALL BE LEVIED AGAINST ALL PROPERTIES IMPROVED FOR RESIDENTIAL OCCUPANCY. AN ANNUAL DISPOSAL TAX OF FIVE DOLLARS (\$5.00) SHALL BE LEVIED AGAINST ALL UNIMPROVED PARCELS OF REAL PROPERTY. SUCH TAXES SHALL BE LEVIED AND COLLECTED FROM THE OWNER OF THE REAL PROPERTY IN THE SAME MANNER AS COUNTY REAL PROPERTY TAXES AND SHALL HAVE THE SAME PRIORITY, BEAR THE SAME INTEREST AND PENALTIES, AND IN EVERY RESPECT BE TREATED AS COUNTY REAL PROPERTY TAXES.
- (c) ANY RESIDENTIAL REFUSE COLLECTED IN HARFORD COUNTY FOR DEPOSIT IN ANY SANITARY-LANDFILL DISPOSAL FACILITY OR RESOURCE RECOVERY FACILITY OPERATED BY OR UNDER CONTRACT FOR OR ON BEHALF OF HARFORD COUNTY AND LOCATED WITHIN HARFORD COUNTY, SHALL BE ACCEPTED BY THE COUNTY WITHOUT PAYMENT OF THE DISPOSAL FEE, PROVIDED THAT SURCHARGES MAY BE IMPOSED UPON CERTAIN CLASSES OF SOLID WASTE REQUIRING SPECIAL HANDLING.
- (d) ANY SOLID WASTE, EXTRACTED OUTSIDE THE COUNTY OR ORIGINATING OUTSIDE THE COUNTY, FOR DEPOSIT IN ANY SANITARY LANDFILL DISPOSAL FACILITY OR RESOURCE RECOVERY FACILITY OPERATED BY OR UNDER CONTRACT FOR OR ON BEHALF OF HARFORD COUNTY AND LOCATED WITHIN HARFORD COUNTY SHALL BE ACCEPTED UPON PAYMENT OF A DISPOSAL FEE OF EIGHTEEN DOLLARS (\$18.00) PER TON, AS DETERMINED BY VEHICLE

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1 WEIGHT OR VEHICLE TYPE AND CAPACITY, PROVIDED THAT SURCHARGES MAY BE IMPOSED ON CERTAIN CLASSES OR OF SOLID WASTE REQUIRING SPECIAL 3 HANDLING IN ADDITION TO THE DISPOSAL FEE.

- (e) THE DIRECTOR OF PUBLIC WORKS MAY IMPOSE THE RESIDENTIAL REFUSE DISPOSAL TAX, ITS EQUIVALENT OR MULTIPLE THEREOF, IN LIEU OF THE DISPOSAL FEE, ON ANY NONRESIDENTIAL PROPERTIES WHICH ARE ROUTINELY SERVICED AS PART OF A RESIDENTIAL COLLECTION ROUTE. THE IDENTIFICATION OF THESE PROPERTIES AND ESTABLISHMENT OF CHARGES SHALL BE ACCOMPLISHED BY THE DIRECTOR OF 10 PUBLIC WORKS PURSUANT TO RULES AND REGULATIONS PROMULGATED 11 HEREUNDER.
- (f) TO FACILITATE THE COLLECTION OF THE FEES AND TAXES AUTHORIZED UNDER THIS CHAPTER, THE DIRECTOR OF PUBLIC WORKS IS HEREBY AUTHORIZED TO REQUEST ROUTING MAPS, CLINETELE LISTS, DAYS OF COLLECTION, TRUCK ASSIGNMENTS, AND OTHER PERTINENT INFORMATION FROM USERS OF FACILITIES OPERATED BY OR FOR THE COUNTY. EVERY USER IS REQUIRED TO SUPPLY THIS INFORMATION UPON REQUEST, REGARDLESS OF THE TYPE OF VEHICLE BEING USED TO HAUL THE WASTE MATTER, AND REGARDLESS OF WHETHER THE COLLECTION IS FROM PRIVATE OR COMMERCIAL 20 ||SOURCES.
 - (g) WASTE DISPOSED OF IN VIOLATION OF SECTION 9-6(i)(1) SHALL BE SUBJECT TO THE DISPOSAL FEE OF TEN DOLLARS (\$10.00) PER TON FOR THE ENTIRE LOAD. WASTE DISPOSED OF IN VIOLATION OF SECTION 9-6(i)(2) SHALL BE SUBJECT TO THE DISPOSAL FEE OF EIGHTEEN DOLLARS (\$18.00) PER TON FOR THE ENTIRE LOAD. SUCH-CHARGES-SHALL-BE-LEVIED WITHOUT-PRIOR-HEARING-BUT-ARE-SUBJECT-TO-APPEAL-TO-THE-DESIGNATED APPEAL-BOARD-ESTABLISHED-PURSUANT-TO-SECTION-9-11(b)-OF-THIS CHAPTER.--THE-IMPOSITION-OF-SUCH-CHARGES-SHALL-BE-IN-ADDITION-TO HHE-REMEDIES-ESTABLISHED-IN-SECTION-9-10-and-9-11-OF-THIS-CHAPTER.
 - (h) THE OWNER OWNERS OF APARTMENTS, CONDOMINIUMS, COOPERATIVES, OR SIMILAR DWELLING UNITS, WHOSE RESIDENTIAL REFUSE IS ROUTINELY

COLLECTED AS PART OF A NONRESIDENTIAL COLLECTION ROUTE AND IS,
THEREFORE, SUBJECT TO THE DISPOSAL FEE, SHALL, UPON APPROVAL OF THE
DIRECTOR OF PUBLIC WORKS, BE GRANTED A CREDIT AGAINST THE
RESIDENTIAL REFUSE DISPOSAL TAX FOR CHARGES INCURRED AS A RESULT OF
THE DISPOSAL FEE. THE DIRECTOR SHALL PROMULGATE RULES AND
REGULATIONS ESTABLISHING THE PROCEDURE WHEREBY THE OWNER MAY
PETITION FOR THE RESIDENTIAL REFUSE DISPOSAL TAX CREDIT ESTABLISHED
HEREIN. THE RULES AND REGULATIONS PROMULGATED HEREBY SHALL ASSURE
TO THE EXTENT PRACTICABLE THAT NO RESIDENTIAL REFUSE SHALL BE
SUBJECTED TO PAYMENT OF BOTH THE DISPOSAL FEE AND THE RESIDENTIAL
REFUSE DISPOSAL TAX.

(i) THE DEPARTMENT OF PUBLIC WORKS SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS CHAPTER.

Section 9. BE IT FURTHER ENACTED, that new Article III, heading, Authorized Collection of Solid Waste; Service Charges, of Chapter 9, heading, Environmental Controls, be, and it is hereby enacted to read as follows:

ARTICLE III. AUTHORIZED COLLECTION OF SOLID WASTE; SERVICE CHARGES
SECTION 9-20. AUTHORIZED COLLECTIONS OF SOLID WASTE.

(a) NO PERSON, EXCEPT DULY AUTHORIZED COLLECTORS OF THE

COUNTY AND INCORPORATED MUNICIPALITIES WITHIN THE

COUNTY OR PRIVATE SOLID WASTE COLLECTORS LICENSED

PURSUANT TO LAW, SHALL COLLECT OR REMOVE ANY SOLID

WASTE ACCUMULATING WITHIN THE COUNTY OR USE THE

STREETS, AVENUES, OR ALLEYS WITHIN THE COUNTY FOR THE

PURPOSE OF COLLECTING THE SAME. ALL LICENSES GRANTED

TO-PRIVATE-SOLID-WASTE-COLLECTORS PURSUANT TO SECTION

9-2 OF THIS CHAPTER AND ALL CONTRACTS OR

OTHER FORMS OF AUTHORIZATION OF DULY AUTHORIZED

COLLECTORS SHALL REQUIRE THAT ALL SOLID WASTE

COLLECTED AND TRANSPORTED UNDER THE AUTHORITY OF SUCH

BE DELIVERED FOR DISPOSAL AT THE SANITARY

LICENSE, CONTRACTS, OR OTHER FORMS OF AUTHORIZATION

 LANDFILL RESOURCE FACILITY OR OTHER DISPOSAL

FACILITY DESIGNATED FROM TIME TO TIME BY THE DIRECTOR

OF THE DEPARTMENT OF PUBLIC WORKS PURSUANT TO RULES

AND REGULATIONS PROMULGATED BY THE DIRECTOR OF THE

DEPARTMENT OF PUBLIC WORKS.

(b) THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS SHALL

ESTABLISH, AFTER DULY ADVERTISED PUBLIC HEARING, A

SYSTEM OF CLASSIFICATION FOR CLASSES OF SOLID WASTE:

- ESTABLISH, AFTER DULY ADVERTISED PUBLIC HEARING, A

 SYSTEM OF CLASSIFICATION FOR CLASSES OF SOLID WASTE:,

 THE-GLASSIFICATION-SYSTEM-MAY-BE-USED-AS-A-BASIS-FOR

 DIRECTING-OR-REDIRECTING-THE-SOLID-WASTE-TO

 APPROPRIATE-REGEIVING-FAGILITIES-IN-ACCORDANCE-WITH

 THE-EXIGENCIES-OF-THE-COUNTY'S-SOLID-WASTE-MANAGEMENT

 PLAN: WHICH SO FAR AS PRACTICABLE SHALL BE CONSISTENT

 WITH A SYSTEM OF CLASSIFICATION IN THE COUNTY'S

 SOLID WASTE MANAGEMENT PLAN. THE CLASSIFICATION SYSTEM

 MAY BE USED AS A BASIS FOR REQUIRING THAT THE SOLID

 WASTE BE DELIVERED TO AN APPROPRIATE DISPOSAL

 FACILITIES IN ACCORDANCE WITH THE COUNTY'S SOLID

 WASTE MANAGEMENT PLAN.
- PROMULGATE RULES AND REGULATIONS RELATING TO
 IMPOSITION OF SURCHARGES FOR CLASSES OF SOLID WASTE
 WHICH ARE ENVIRONMENTALLY UNACCEPTABLE OR NOT
 OTHERWISE ACCEPTABLE FOR PROCESSING AT THE RESOURCE
 RECOVERY FACILITY OR NOT OTHERWISE ACCEPTABLE FOR
 DISPOSAL AT OTHER SOLID-WASTE DISPOSAL FACILITIES
 OPERATED BY OR FOR THE COUNTY. THE SURCHARGES SHALL BE
 REASONABLY RELATED TO THE COST TO THE COUNTY FOR ULTIMATE
 DISPOSAL OF IDENTIFIED CLASSES.

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(d) WITHOUT IN ANY WAY LIMITING THE GENERALITY OF THE PROVISIONS OF THIS SECTION 9-20, OR OF THE PROVISIONS OF ANY OTHER SECTION OF THIS ACT, THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS MAY EXERCISE THE AUTHORITY GRANTED IN PARAGRAPHS (a) THROUGH (c) INCLUSIVE, OF THIS SECTION 9-20 FOR THE PURPOSE OF PERMITTING THE COUNTY TO FULFILL ITS OBLIGATIONS UNDER ANY CONTRACTS OR AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS OR GOVERNMENTAL ENTITIES, PRIVATE PERSONS, CORPORATIONS OR PARTNERSHIPS ENTERED INTO IN CONNECTION WITH THE FINANCING OR OPERATION OF ANY RESOURCE RECOVERY FACILITY, INCLUDING (WITHOUT bimitation) CONTRACTS OR AGREEMENTS WITH THE NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY ENTERED INTO IN CONNNECTION WITH THE FINANCING OR OPERATION BY OR WITH SUCH AUTHORITY OF ANY RESOURCE RECOVERY FACILITY, PURSUANT TO SECTIONS 3-901 to 3-929 OF THE NATURAL RESOURCES ARTICLE OF THE ANNOTATED CODE OF MARYLAND (1974 VOLUME AND 1981 CUMULATIVE SUPPLEMENT).

(e) NOTHING HEREIN SHALL PROHIBIT THE GENERATOR OF

SOLID WASTE FROM THE TRANSPORATION—OR VOLUNTARY

EXTRACTION OF ANY PORTION OF THE SOLID WASTE PRODUCED

BY THE GENERATOR. STORAGE,—COLLECTION,—AND—

TRANSPORTATION—WITHIN—THE—COUNTY—OF—THE—EXTRACTED

PORTION—SHALL—BE—SUBJECT—TO—RULES—AND—REGULATIONS—

PROMULGATED—BY—THE—DIRECTOR—OF—THE—DEPARTMENT—OF

PUBLIC—WORKS.

Section 10. AND BE IT FURTHER ENACTED, that this Act is declared to be an Emergency Act necessary for the protection of the health, safety, and welfare of the citizens of Harford County and further necessary to safeguard the citizens of Harford County in the area of solid waste, and it shall therefore take effect on July 1, 1982.

EFFECTIVE: July 1, 1982

BY THE COUNCIL

Read the third time. Bill No. 82-28 (as amended)
Passed LSD 82-17 (May 25, 1982) (with amendments)
Ratified XXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
By order
Angela Machachi, Secretary
Sealed with the County Seal and presented to the County Executive
for his approval this 27th day of May , 1982
at 3:00 o'clock P M.
Angela Marback, Secretary
BY THE EXECUTIVE
APPROVED: County Executive Date May 28/1983
BY THE COUNCIL
This Bill (No. 82-28 (as amended), having been approved by the Executive and returned to the Council, becomes law on May 28, 1982.
Angela Machandi, Secretary

Rec'd & Recorded 111 1083 at 1,00 j? M. M.D.C. Liber 17 For 691 & examined per H. Douglas Chilosat, Clerk, Harford Co.

EFFECTIVE DATE: July 1, 1932